



Compliance with the **Highly Migratory Species (HMS) International Trade Regulations**

Guide for Small Businesses

Description of Regulated Activities

This guide summarizes National Marine Fisheries Service's (NMFS) permitting, reporting, and documentation requirements that apply to importing, exporting or re-exporting the following species:

Atlantic bluefin tuna (*Thunnus thynnus*)
Pacific bluefin tuna (*Thunnus orientalis*)
Southern bluefin tuna (*Thunnus maccoyii*)

Swordfish (*Xiphias gladius*)
Bigeye tuna (frozen) (*Thunnus obesus*)

The regulations are located at 50 CFR Part 300 Subpart M, and were last modified on June 2, 2008 (73 FR 31380). If there is a discrepancy between the regulations and the information in this guide, the regulations will take precedence. The most recent version of these regulations can be found at <http://ecfr.gpoaccess.gov/>. Program information including permit applications and reporting forms are available on the HMS International Trade Program homepage: <http://nmfs.noaa.gov/sfa/hms/ITP>.

Authorities

The regulations in 50 CFR Part 300 Subpart M were promulgated under the authorities of the Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801), the Atlantic Tunas Convention Act (16 USC 971), and the Tunas Convention Act (16 USC 951-961).

International Trade Permit

Importers, exporters and re-exporters of export of any of the products described above must obtain an HMS International Trade Permit (ITP). The permit is issued for one year and must be renewed annually. Renewal notification and a prefilled application will be provided approximately 60 days prior to when the permit is scheduled to expire.

The HMS ITP regulations define an importer as the "consignee" identified on Customs and Border Protection import documentation. If the consignee listed is a foreign entity, then the importer's resident agent must obtain the ITP. ITP applicants must provide a U.S. tax identification number.

ITP applications are available on the ITP homepage listed above, or can be obtained from the following address:

NMFS Permits Team
Southeast Regional Office
263 13th Avenue, South
St. Petersburg, FL 33701
727 / 824-5326



Bluefin Tuna Trade

HMS trade regulations for bluefin tuna apply to bluefin from both the Atlantic and Pacific Oceans. The International Commission for the Conservation of Atlantic Tunas (ICCAT) implemented a catch documentation program for bluefin tuna in 2008. The primary purposes of this program are to better account for landings of Atlantic bluefin tuna, particularly in the Mediterranean Sea, and to track bluefin tuna trade. The ICCAT bluefin tuna statistical document program that was previously in place thus has been completely replaced with the new ICCAT bluefin tuna catch document (BCD) program. The following paragraphs apply to Atlantic bluefin tuna. Pacific bluefin tuna is addressed at the end of this section.

Importing Atlantic bluefin tuna – Each consignment of Atlantic bluefin tuna imported into the United States must be accompanied by an approved, original, uniquely numbered, complete, validated BCD issued by the country of the vessel that harvested the bluefin tuna—one vessel per BCD. ***It is the importer's responsibility to ensure that each BCD for an imported consignment is complete and accurate. Importers are prohibited from accepting an import that is not accompanied by an approved, original, completed, validated BCD.*** The sections of the BCD that are completed for an imported bluefin tuna will depend upon whether the bluefin tuna was caught wild immediately prior to landing, or transferred through a farming operation. Full instructions for completing a BCD were distributed by ICCAT in May 2008 and are available on the HMS ITP homepage. The following links may be helpful to importers in determining the validity of a BCD.

ICCAT IUU Vessel List
ICCAT Record Number
ICCAT Validation Authorities

<http://www.iccat.int/IUU.htm>
<http://www.iccat.int/vesselsrecord.asp>
<http://www.iccat.int/SDP%20summary.htm>

The importer must sign the BCD at the bottom of the document and complete the Importer/Buyer's section of the document. ***A copy of the completed, signed document must be provided to NMFS within 24 hours of import.*** In addition, all necessary information must be included on a biweekly form submitted to NMFS to be received within 10 days of the end of the reporting period.

Overall, the importer's responsibilities can be summarized as follows:

- Obtain an ITP (see "International Trade Permit" section above);
- Ensure that each imported consignment has a BCD that meets all requirements;
- Sign the BCD;
- Send a copy of the BCD to NMFS within 24 hours of import;
- If the United States is the final destination for the import, submit the original BCD to NMFS;
- Submit appropriate information for the BCD to NMFS on a biweekly form, to be received by NMFS within 10 days of the end of the reporting period.

Re-exporting Atlantic bluefin tuna – Imported bluefin tuna that is to be re-exported from the United States must be accompanied by a bluefin tuna re-export certificate and the original BCD when it leaves the United States. The re-exporter must complete the re-export certificate according to the instructions on the back of the form, have it government validated, and attach it to the original BCD. For government validation, see “Validation Services” below.

Re-exports of untagged bluefin tuna have an additional reporting requirement: they must be reported to the ICCAT Secretariat and the competent government authority of the importing nation. See the HMS ITP website for country-specific addresses. If the re-export is tagged, then reporting to the importing nation is not necessary. However, the re-export certificate must still accompany the shipment.

Overall, the re-exporter’s responsibilities can be summarized as follows:

- Obtain an ITP (see “International Trade Permit” section above);
- Ensure that the import BCD has been signed under the importer’s signature;
- Complete a bluefin tuna re-export certificate;
- Have the re-export certificate government validated.
- Sign the re-export certificate and attach the original BCD;
- Include the re-export certificate and BCD with the consignment;
- Submit copies of the re-export certificate and BCDs to NMFS within 24 hours of re-export;
- If the re-export includes untagged fish, send copies of the re-export certificate to the ICCAT Secretariat and competent government authority of the importing nation;
- Submit appropriate information for the re-export to NMFS on a biweekly form, to be received by NMFS within 10 days of the end of the reporting period.

Exporting Atlantic bluefin tuna – Each U.S. commercially-caught Atlantic bluefin tuna is required to be tagged by an Atlantic Tunas Dealer Permit holder with a NMFS-issued tag. NMFS tagging regulations and associated permitting and reporting requirements simplify exporting requirements because BCDs for tagged fish do not need to be validated.

Export BCDs are available on the HMS ITP homepage. The exporter should fill out a separate BCD for each vessel’s catch. If the export consignment contains bluefin captured by more than one vessel, then a separate BCD must be completed for the catch from each vessel. All information should be entered following the instructions on the back of the form. The exporter may need to contact the Atlantic Tunas Dealer Permit holder who first purchased the bluefin to obtain vessel information such as the vessel’s Atlantic Tuna Vessel Permit Number (ATVP No.) and the ICCAT Record Number (for vessels over 24 meters in length).

The document number should be assigned using the following numbering convention: US Year–ITP Number (include numerals only)-sequential number. For example, an exporter with the ITP number “SE 10543” who is exporting the first bluefin for the year 2008 would use the following document number: US2008-10543-1.

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document should be included on the “Bi-weekly Atlantic Bluefin Tuna Dealer Landings and Trade Report” and submitted to NMFS to be received within 10 days of the end of the applicable reporting period. If the exporter also tagged the fish under his Atlantic Tunas Dealer Permit, then only one biweekly report need be submitted. If the exporter does not hold an Atlantic Tunas Dealer Permit, as long as he provides the information required on the biweekly report to the Atlantic Tunas Dealer Permit holder who tagged the fish, and maintains a copy of the

complete biweekly report submitted by the Atlantic Tunas Dealer Permit holder, then the exporter may forgo submitting a biweekly report to NMFS.

Overall, the exporter's responsibilities can be summarized as follows:

- Obtain an ITP (see "International Trade Permit" section above);
- Complete a BCD, one per vessel;
- Sign the BCD and include the original with the consignment;
- Submit a copy of the BCD to NMFS within 24 hours of export;
- Submit appropriate information for the export to NMFS on a biweekly form to be received by NMFS within 10 days of the end of the reporting period.

Pacific bluefin tuna – Trade of Pacific bluefin tuna requires documentation similar to that required for trade of Atlantic bluefin tuna. Importers, exporters, and re-exporters must obtain an ITP, and each import and export consignment must be accompanied by a BCD. However, catch-related information is not required on the BCDs for Pacific bluefin tuna. The information required for Pacific bluefin tuna imports and exports on each BCD includes the area of harvest, product information, and trade information, *including government validation* (see "Validation Services" below). BCDs for U.S. exports of Pacific bluefin tuna are available on the HMS ITP website.

Like Atlantic bluefin tuna, each re-export of Pacific bluefin tuna from the United States must be accompanied by a re-export certificate and the original BCD, and must be validated prior to re-export.

Copies of import and export BCDs, and re-export certificates, must be provided to NMFS within 24 hours of trade. Original BCDs for imports and biweekly reports must be received by NMFS within 10 days after the reporting period ends. The "HMS Trade Bi-Weekly Dealer Report" should be used for biweekly reports to NMFS. (*NOTE: Pacific bluefin tuna BCDs and re-export certificates are not required to be submitted to the ICCAT Secretariat or the importing nation.*)



Swordfish, Southern Bluefin Tuna, and Frozen Bigeye Tuna Trade

HMS trade regulations for swordfish, southern bluefin tuna, and frozen bigeye tuna apply to United States trade of product that originated from any ocean area. ICCAT adopted statistical document (SD) trade-tracking programs for swordfish and frozen bigeye tuna in 2001. The United States has implemented the ICCAT SD programs along with a SD program adopted by the Commission for the Conservation of Southern Bluefin Tuna to monitor trade, and better understand the impact of the international market on these species. Since the reporting and recordkeeping requirements are similar for these species, they are addressed together below.

Importing swordfish, Southern bluefin tuna, and frozen bigeye tuna - Each consignment imported to the United States must be accompanied by an approved, original, uniquely numbered, completed SD, issued and validated by the country of the vessel of harvest. Instructions for completing SDs for each species are available on the HMS ITP homepage. ***It is the importer's responsibility to ensure that each SD for an imported consignment is complete and accurate.*** The following links may be useful to importers in determining the validity of a SD. ***Importers are prohibited from accepting an import that is not accompanied by an approved, original, completed, validated, species-specific SD.***

ICCAT IUU Vessel List
ICCAT Record Number
ICCAT Validation Authorities

<http://www.iccat.int/IUU.htm>
<http://www.iccat.int/vesselsrecord.asp>
<http://www.iccat.int/SDP%20summary.htm>

The importer must sign the SD at the bottom of the document and complete the Importer/Buyer's section of the document. A copy of the completed, signed document must be provided to NMFS within 24 hours of import. All necessary information relative to the import must be included on a biweekly form submitted to NMFS (see "Addresses" section below), to be received within 10 days of the end of the reporting period.

Overall, the importer's responsibilities can be summarized as follows:

- Obtain an ITP (see "International Trade Permit" section above);
- Ensure that each consignment has a SD that meets all requirements;
- Sign the SD where the importer's signature is required;
- Send a copy of the SD to NMFS within 24 hours of import;
- If the United States is the final destination for the import, submit the original, signed SD to NMFS;
- Submit appropriate information for the SD to NMFS on a biweekly form, to be received by NMFS within 10 days of the end of the reporting period.

Re-exporting swordfish, Southern bluefin tuna, and frozen bigeye tuna - The only documentation required to re-export an imported consignment from the United States that has not been subdivided or consolidated with another consignment is the SD that accompanied the import. The re-exporter should ensure that the intermediate importer certification is completed as required, and send the original statistical document with the re-exported consignment. A copy of the SD must be received by NMFS within 24 hours of re-export.

If an import has been subdivided or consolidated with another consignment, then a re-export certificate must be prepared. Re-export certificates are available on the HMS ITP website. The re-exporter must complete the re-export certificate following the instructions on the reverse side of the document, have it government validated (see "Validation Services" below), and attach it to the original SD to accompany the consignment. All necessary information relative to the re-export must be included on a biweekly form submitted to NMFS at the address indicated below, to be received within 10 days of the end of the reporting period.

Overall, the re-exporter's responsibilities can be summarized as follows:

- Obtain an ITP (see "International Trade Permit" section above);
- Ensure that the importer has signed the SD;
- If the consignment has not been subdivided or consolidated with another consignment, then send the original SD with the shipment;
- If the consignment has been subdivided or consolidated with another consignment, fill out a re-export certificate;
- Have the re-export certificate government validated;
- Sign the re-export certificate and attach the original SD;
- Include the re-export certificate and SD with the consignment;
- Submit copies of the re-export certificate (if necessary) and SD(s) to NMFS within 24 hours of re-export;
- Submit appropriate information relative to the re-export to NMFS on a biweekly form, to be received by NMFS within 10 days of the end of the reporting period.

Exporting swordfish, Southern bluefin tuna, and frozen bigeye tuna - SDs for use in exporting these species are available on the HMS ITP homepage. All information should be entered following the instructions on the back of the form. Note that for swordfish or bigeye originating from the Pacific or Indian oceans, the description of fish and exporter certification are not required. All exports must be government validated (see “Validation Services” below).

The original document should accompany the shipment, and a copy of the document should be provided to NMFS within 24 hours of export. Relevant information from this document should be included on the “HMS Trade Bi-Weekly Dealer Report” and submitted to NMFS to be received within 10 days of the end of the applicable reporting period.

Overall, the exporter’s responsibilities can be summarized as follows:

- Obtain an ITP(see “International Trade Permit” section above);
- Complete and sign a species-specific SD;
- Have the SD government validated
- Submit a copy of the SD to NMFS within 24 hours of export
- Submit relevant information regarding the export to NMFS on a biweekly form, to be received by NMFS within 10 days of the end of the reporting period.

Validation Services

Government validation is available 24 hours a day, seven days per week on a fax-in basis. To obtain validation, fax your document to 866/252-3751. The document must be complete, and your fax number and phone number must be included. Your document will be faxed back to you within approximately two hours. If you experience a delay, please contact the NMFS validating official at 843/724-6425. Please note that assistance in preparing a complete document is only available during business hours at the following phone numbers: 228/769-8964 (swordfish, Southern bluefin tuna, frozen bigeye tuna) or 978/281-9140 (bluefin tuna).

NMFS regulations also provide for validation by non-government entities, once the entities have been authorized as validating officials by NMFS. To apply for status as a validating official, you must submit a request in writing to: HMS Management Division, NMFS, One Blackburn Drive, Gloucester, MA, 01930. The request must specify the following information:

- 1) Names, addresses, and telephone/fax numbers of individuals who would perform validation;
- 2) Procedures to be used to notify NMFS of validations; and
- 3) An example of the stamp or seal to be applied.

Addresses

<u>Reporting Requirement:</u>	<u>Submit Reports to:</u>
<ul style="list-style-type: none"> • Reporting to NMFS 	
<p>Bluefin Tuna – Atlantic & Pacific</p> <p>BCDs, Re-export Certificates, Biweekly Reports</p>	<p>NMFS Northeast Regional Office Highly Migratory Species 1 Blackburn Drive Gloucester, MA 01930 FAX: 978 / 281 - 9340 Phone: 978 / 281 - 9140 Email: BFTReporting@noaa.gov</p>

<p>Swordfish, Southern Bluefin Tuna, frozen Bigeye Tuna</p> <p>SDs, Re-export Certificates, Biweekly Reports</p>	<p>NMFS National Seafood Inspection Laboratory P.O. Drawer 1207 Pascagoula, MS 39568-1207 Phone: 228 / 762 – 7402</p>
<p>• Reporting to ICCAT Secretariat</p>	
<p>BCD (copy) for untagged re-exports</p>	<p>ICCAT Secretariat Corazón de María,8. 28002 Madrid, SPAIN info@iccat.int</p>
<p>• Reporting to Importing Nations</p>	
<p>BCD (copy) for untagged re-exports</p>	<p>See HMS ITP website</p>